



COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

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GEOFFREY G. WHY
COMMISSIONER

October 28, 2009

John Mucha
Director, Government Relations
Time Warner Cable
1021 High Bridge Road
Schenectady, NY 12303

Dear Mr. Mucha,

The Department of Telecommunications and Cable ("Department") is of the belief that Time Warner Cable ("Time Warner") is currently offering facilities-based (or fixed) VoIP telephone services to Massachusetts customers on an untariffed basis. As you may know, the Department has previously expressed its opinion that fixed VoIP telephone service provided on a common carrier basis is subject to the Department's regulatory authority under Chapter 159 of the Massachusetts General Laws, including compliance with the Department's consumer protections set forth in D.P.U. 18448.¹

If, in fact, Time Warner is providing fixed VoIP telephone service in Massachusetts on an untariffed basis, in violation of Chapter 159 of the Massachusetts General Laws and the Department's registration requirements, this letter will serve as notice of Time Warner's obligation to come into compliance with the above referenced requirements. Accordingly, Time

¹ See, e.g., Letter from Michael A. Isenberg, Director, Competition Division, Massachusetts Department of Telecommunications and Cable, to Stacey L. Parker, Senior Director, Regulatory Affairs, Comcast (November 14, 2008); Letter from Michael A. Isenberg, Director, Competition Division, Massachusetts Department of Telecommunications and Cable, to John L. Conroy, Vice President, Regulatory Massachusetts, Verizon (September 22, 2009), available at <http://www.mass.gov/dtc> through the following links: Competition Division > Telecommunications Division > Telecom Statutes, Rules, and Notices > Correspondence with Fixed VoIP Providers.

Warner is required to file a tariff and registration statement for its fixed VoIP telephone service within 30 days from the date of this letter.

If you have any questions, please feel free to contact me at 617-368-1101.

Sincerely,

Michael A. Isenberg
Director, Competition Division

cc: Geoffrey Why, Commissioner
Kajal Chattopadhyay, Deputy General Counsel
Karen Robinson, Director, Consumer Division